

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

WESLEY BOSHEERS, and wife,)	
JAMIE BOSHEERS,)	
)	
Plaintiffs,)	No: 1:18-cv-00023
)	JUDGE CRENSHAW
Vs.)	MAGISTRATE JUDGE FRENSELY
)	
TRANSCO LOGISTICS CO. and)	JURY DEMAND
CHARLES RODRIGUEZ,)	
)	
Defendants.)	

MOTION FOR ENLARGEMENT OF TIME FOR SERVICE OF PROCESS

Come now the Plaintiffs, by and through counsel, pursuant to Fed. R. Civ. P. 4(m), and respectfully move this Court for an Order granting an enlargement of time for Plaintiffs to obtain service of process on the Defendant, Charles Rodriguez. In support of this Motion, Plaintiffs would show as follows:

1. Plaintiffs commenced this Action by filing their original Complaint with the Circuit Court for Giles County, Tennessee on January 25, 2018. The original state court summons for Charles Rodriguez was issued on January 25, 2018.
2. Subsequent to commencing this Action in state court, Plaintiffs attempted service of process on Mr. Rodriguez by sending certified copies of the Complaint and Summons, pursuant to Tenn. R. Civ. P. 4.05, to Mr. Rodriguez via Certified Mail Return Receipt Requested to his home address at 18461 Stony Island Avenue, Lansing, Illinois 60438.
3. On March 18, 2018, the envelope containing certified copies of the Complaint and Summons to Mr. Rodriguez was returned to Plaintiffs' counsel by the United States Postal Service bearing the following notation: "Unclaimed, Return to Sender."

4. On March 19, 2018, Defendant, Transco Logistics Co., through counsel, served its Notice of Removal of this Action from the Circuit Court for Giles County, Tennessee to this Court. [D.E. #1]. Plaintiffs do not oppose the removal to this Court. Defendant, Transco Logistics Co., has now filed its Answer to Plaintiffs' Complaint and admitted proper service of process as to that Defendant. [D.E. #11].

5. On March 21, 2018, Plaintiffs caused an Alias Summons for Mr. Rodriguez to be issued from this Court. [D.E. #7]. Thereafter, Plaintiffs retained a private investigator and process server in Chicago, Illinois to locate Mr. Charles Rodriguez and accomplish personal service. To date, Plaintiffs' process server has been unable to obtain personal service on Mr. Rodriguez. Through investigation, Plaintiffs' process server has confirmed that Mr. Rodriguez does in fact reside at the address listed in the Summons, i.e., 18461 Stony Island Avenue, Lansing, Illinois 60438, but despite at least three (3) separate attempts, he has been unable to obtain service due to Mr. Rodriguez's efforts towards evading service.

6. Fed. R. Civ. P. 4(m) requires that service of process be obtained with 90 days of the filing of the Complaint, unless, for good cause, the Court enlarges the period of time in which service of process may be accomplished. This Action was commenced on January 25, 2018. On April 25, 2018, it will have been 90 days since this Complaint was filed in the original state court action.

7. Plaintiffs submit diligent efforts are being taken to obtain service of process on Mr. Charles Rodriguez. Plaintiffs' investigator will continue to attempt personal service on Mr. Rodriguez at his home. In the event Mr. Rodriguez continues to evade Plaintiffs' agent, Plaintiffs, based on their investigation, still believe that service can be accomplished within the next sixty (60) days because Plaintiffs have learned that Mr. Rodriguez is scheduled for a court

appearance in Cook County, Illinois within the next 60 days, and Plaintiffs' investigator should be able to obtain service at that time.

THEREFORE, based upon the foregoing, Plaintiffs respectfully submit that good cause exists, under Fed. R. Civ. P. 4(m), for an Order granting an enlargement of time for Plaintiffs to obtain service of process on Defendant, Charles Rodriguez. Plaintiffs respectfully request that the Court enter an Order enlarging the time in which they may obtain service of process on Mr. Rodriguez by sixty (60) days, which would establish a new deadline for obtaining service on Mr. Rodriguez on or before June 25, 2018, subject to any further Orders of the Court. **Plaintiffs' counsel has conferred with counsel for Defendant, Transco Logistics Co., who does not oppose this Motion or Plaintiffs' request.**

Respectfully Submitted:

THE MATTHEWS FIRM, PLLC

BY: /s/ R. Holland Matthews
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CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that the foregoing document was filed electronically and served on all counsel of record via the Court's ECF/CM system and by parties who are not represented by sending U.S. Mail First Class to the following:

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On this the 24th day of April, 2018.

/s/ R. Holland Matthews